

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ROBERT L. NELSON,</b>	<b>:</b>	<b>CIVIL ACTION NO. 1:15-CV-1696</b>
	<b>:</b>	
<b>Plaintiff</b>	<b>:</b>	<b>(Chief Judge Conner)</b>
	<b>:</b>	
<b>v.</b>	<b>:</b>	
	<b>:</b>	
<b>UNITED STATES OF AMERICA,</b>	<b>:</b>	
	<b>:</b>	
<b>Defendant</b>	<b>:</b>	

**ORDER**

AND NOW, this 16th day of May, 2016, upon consideration of the report (Doc. 25) of Chief Magistrate Judge Martin C. Carlson, recommending the court grant the motion (Doc. 18) to dismiss or for summary judgment by the United States of America, wherein Magistrate Judge Carlson opines that *pro se* plaintiff Robert L. Nelson (“Nelson”) has failed to show that the United States improperly withheld agency records under the Freedom of Information Act, 5 U.S.C. § 552, and that Nelson’s claim thereunder must be dismissed for lack of subject matter jurisdiction, (see Doc. 18 at 3-9); see also United States Dep’t of Justice v. Tax Analysts, 492 U.S. 136, 142 (1989) (quoting Kissinger v. Reporters Comm. for Freedom of Press, 445 U.S. 136, 150 (1980)), and the court noting that Nelson has objected (Doc. 28) to the report, see FED. R. CIV. P. 72(b)(2), and, following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing 28 U.S.C. § 636(b)(1)(C); Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989)), and applying a clear error

standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court finding Judge Carlson's analysis to be thorough, well-reasoned, and fully supported by the record, and finding Nelson's objection (Doc. 28) to be without merit, it is hereby ORDERED that:

1. The report (Doc. 25) of Chief Magistrate Judge Carlson is ADOPTED.
2. The United States' motion (Doc. 18) to dismiss or for summary judgment is GRANTED.
3. Nelson's complaint (Doc. 1) under the Freedom of Information Act, 5 U.S.C. § 552, is DISMISSED for lack of jurisdiction.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania